

BENJAMIN A. ROARK                               §  
VS.   §      CIVIL ACTION NO.   5:11-CV-158  
FEDERAL BUREAU OF PRISONS               §

Petitioner Benjamin A. Roark, a prisoner confined at the Federal Correctional Institution in Texarkana, Texas , proceeding *pro se*, brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence. Petitioner filed objections to the Report and Recommendation, but he later filed a motion to dismiss the action. After due consideration, the Court is of the opinion the motion should be granted and the case should be dismissed pursuant to Federal Rule of Civil Procedure 41(a).

Accordingly, the petitioner's motion to dismiss the case (document no. 6) is **GRANTED**.  
The report of the magistrate judge is partially **ADOPTED** to the extent it recommends dismissing

the petition. A final judgment will be entered dismissing the petition without prejudice in accordance with this Memorandum Order.

**SIGNED this 8th day of November, 2011.**

A handwritten signature in black ink, appearing to read "David Folsom", written over a horizontal line.

DAVID FOLSOM  
UNITED STATES DISTRICT JUDGE